



AGENDA

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, AUGUST 2, 2007
AT 6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer: *The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.*

1. CALL TO ORDER

Chairperson Hughes called the regular meeting to order at 6:00 p.m.

Commission members present were: Mr. Michael Beckendorf, Mr. Johnny Bond, Mr. John Clark (Vice Chairperson), Mr. Ralph Davila, Mr. Robert Horton, Mr. Art Hughes (Chairperson), Mr. Don Maxwell (Parliamentarian) and Mr. Michael Parks.

Commission member absent was: Mr. G.H. Jones.

Staff members present were: Mr. Kevin Russell, Director of Development Services; Ms. Lindsey Guindi, Planning Manager; Ms. Julie Fulgham, Staff Planner; Mr. Randy Haynes, Staff Planner; Mr. Martin Zimmermann, Senior Planner; Ms. Janis Hampton, Assistant City Attorney; Mr. Paul Kaspar, City Engineer; and Ms. Charmaine McKinzie, Planning Recorder.

2. HEAR CITIZENS

No one came forward.

3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST

No affidavits were filed.

4. CONSENT AGENDA (Items may be removed at the request of two Commission members.)

A. Approval of minutes from the workshop and regular meetings on July 19, 2007.

B. CONSIDERATION – Final Plat FP07-17

R. Haynes

Proposed final plat of Stanford Subdivision, being 5.25 acres of land out of Stephen F. Austin League, A-63 located at 2307 Tabor Road in Bryan, Brazos County, Texas.

C. CONSIDERATION – Final Plat FP07-20

M. Zimmermann

Proposed final plat of Tara Ridge Subdivision, being 0.686 acres of land Moses Baine League, A-3 located at 3701 Tabor Road in Bryan, Brazos County, Texas.

Commissioner Maxwell moved to approve the Consent Agenda. Commissioner Clark seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

REQUEST FOR APPROVAL OF RESUBDIVISION (Commission has final approval; appeals may be directed to City Council.)

5. PUBLIC HEARING/CONSIDERATION – Replat RP07-15

J. Fulgham

Proposed replat of Lot 3 in Block 2 of First Bank Galleria Subdivision into Lots 3R and 4R on 5.228 acres of land located at the corner of East 29th Street and Barak Lane in Bryan, Brazos County, Texas.

Ms. Julie Fulgham, Staff Planner, presented a staff report (on file in the Development Services Department). Ms. Fulgham stated this proposed replat shows the re-subdivision of existing Lot 3 into two new lots (Lots 3R and 4R), both of which are planned to be commercial building sites. The Site Development Review Committee and staff recommend approval the proposed replat.

The public hearing was opened.

No one came forward

The public hearing was closed.

Commissioner Bond moved to approve Replat RP07-15, as requested. Commissioner Horton seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none

The motion passed with a unanimous vote.

REQUEST FOR APPROVAL OF VARIANCE (Commission has final approval; appeals may be directed to City Council.)

6. PUBLIC HEARING/CONSIDERATION – Planning Variance PV07-35

R. Haynes

A request to allow a 1.7 foot variance to the minimum 5 foot side setback requirement to correct a construction error on a residential lot located at 2105 Craftwood in the Cottage Grove Subdivision, Block 1, Lot 7 of Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes stated that the southeast corner of the slab encroaches into the side setback approximately 1.7 feet. There is already a house constructed on the adjacent lot. The slab to slab measurement between the two structures is 11'4". This measurement is greater than the net minimum distance between buildings that would result with strict application of the ordinance. Staff recommends approving the variance, as requested.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Clark moved to approve Planning Variance PV07-35, accepting the findings of staff. Commissioner Beckendorf seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

REQUEST FOR APPROVAL OF CONDITIONAL USE PERMIT (Commission has final approval; appeals may be directed to City Council.)

7. PUBLIC HEARING/CONSIDERATION – Conditional Use Permit CU07-08 M. Zimmermann

A request for approval of a conditional use permit to allow 12 lots in a Residential District – 5000 (RD-5) to be developed with zero lot line (patio) homes on 7.564 acres in the proposed Briar Meadows Creek Subdivision – Phase 2 located between Broadmoor and Red River Drives in central Bryan, Brazos County, Texas.

Mr. Martin Zimmermann, Senior Planner, presented a staff report (on file in the Development Services Department). Mr. Zimmermann stated that the applicants/property owners desire to develop these 7.5 acres of land with lots intended for single-family homes (proposed Briar Meadows Creek Subdivision – Phase 2). Twelve of the lots in this proposed subdivision phase are planned to be developed with zero lot line (patio) homes. Staff recommends approving this Conditional Use Permit. Staff is unable to identify any adverse impacts that may result from the construction of the proposed patio homes.

Responding to questions from the Commission, Mr. Zimmermann advised that there will be a minimum separation of 10 feet between individual patio homes.

The public hearing was opened.

Mr. Wayne Dunlap, of 3104 Broadmoor Drive, Bryan Texas came forward to ask if the whole area was going to be patio homes. He voiced concerns about increased traffic because of patio homes.

Mr. Chris Peterson, of 3702 Oakridge, Bryan, Texas, representing the applicant, came forward to speak in favor of the request. Mr. Peterson advised that this development would be an upscale patio home community, age-restricted to 55 years of age and over.

The public hearing was closed.

Commissioner Maxwell moved to approve Conditional Use Permit CU07-08, as requested, accepting the findings of staff. Commissioner Beckendorf seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

Responding to a question from Commissioner Beckendorf, Mr. Zimmermann advised that the Conditional Use Permit would only pertain to twelve properties.

The motion passed with a unanimous vote.

REQUEST FOR APPROVAL OF REZONING (Commission makes recommendation; City Council has final approval.)

8. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-33

M. Zimmermann

A request to change the zoning classification from Residential District – 5000 (RD-5) to Retail District (C-2) for 8.15 acres of land out of the T.J Wooten Survey, A-59 located at the northeast corner of West Villa Maria and Jones Road in Bryan, Brazos County, Texas.

Mr. Martin Zimmermann, Senior Planner presented a staff report (on file in the Development Services Department). Mr. Zimmermann stated that a portion of this property as well as some adjacent land was only recently annexed to the City of Bryan. Staff believes rezoning the subject property to Retail District (C-2) is appropriate in this particular environment. The subject property is located at and near the intersection of major streets, where retail development is generally appropriate and encouraged. Retail development on the subject property is likely to have minimal direct detrimental impacts on the appearance, comfort and value of nearby properties, most of which are also zoned C-2 District. Retail development at this particular location will generally be compatible with land uses on surrounding properties. C-2 zoning on this 8.15-acre tract of land will not only address a future community need for more retail businesses in far western Bryan, but will also allow for more useful and orderly urban development in this vicinity, as envisioned by the Comprehensive Plan. Based on all these considerations, staff recommends approving C-2 zoning for these 8.15 acres, as requested.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Clark moved to recommend approval of Rezoning RZ07-33, as requested, accepting the findings of staff. Commissioner Davila seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

REQUESTS RELATED TO 6.4 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF BOONVILLE ROAD (F.M. 158) AND COPPERFIELD DRIVE IN BRYAN, BRAZOS COUNTY, TEXAS (Commission has final approval regarding planning exception; appeals may be directed to City Council. Commission makes recommendation regarding rezoning; City Council has final approval.)

9. PUBLIC HEARING/CONSIDERATION – Planning Exception PE07-02 M. Zimmermann

A request for approval of an exception from standards of the Subdivision Ordinance requiring lots to have frontage on a public street, to allow creation of five new nonresidential lots each of which is planned to have no frontage on a public street on 6.4 acres of land in the J.W. Scott Survey, A-49 located at the southeast corner of Boonville Road (F.M. 158) and Copperfield Drive in Bryan, Brazos County, Texas.

Mr. Martin Zimmerman, Senior Planner presented a staff report (on file in the Development Services Department). Mr. Zimmerman stated that the applicants desire to subdivide 6.4 acres of land located at the southeast corner of Boonville Road (F.M. 158) and Copperfield Drive into twelve lots. All twelve lots are intended for nonresidential use, specifically retail and office uses. Access to five of these twelve lots, specifically proposed lots 7-11 is proposed to be provided by means of a 25-foot wide access easement from nearby public streets. Staff recommends denying the requested exception. Staff is unable to identify special circumstances or conditions affecting the subject property such that the strict application of subdivision standards would deprive the applicant of reasonable use of the land. The property can be subdivided into lots where each lot will have adequate access to a public street. Staff contends that granting the exception is not necessary for the preservation and enjoyment of the property. Staff believes that granting the proposed exception could have adverse effects on traffic conditions in this vicinity and thereby be detrimental to the public health, safety, or welfare. Staff contends that a 25-foot wide “driveway” will be inadequate to provide access to all proposed lots in this nonresidential subdivision.

Responding to questions from the Commission, Mr. Zimmermann advised that staff is concerned about only a 25-foot five feet of pavement that may not be installed before the final plat is filed and for which continued maintenance is not secured. He added that commercial streets are generally required to have 60-foot right-of-way with 38 feet of pavement width.

Responding to a question from the Commission, Mr. Zimmermann explained that as proposed, there would be no prohibition for automobiles to park in the access easement.

The public hearing was opened.

Mr. Joe Schultz, of College Station, Texas, representing the applicant, came forward to speak in favor of the request. He advised the Commission that this is a mixed use development and that the access easement would be owned and maintained by a property owner's association.

Responding to questions from the Commission, Mr. Schultz explained that a one-way street would be out of the question since there would be no median break on F.M. 158 and that the entire access easement could be designated as a fire lane. He added that dedicating a 60-foot right-of-way would eliminate one acre of developable land from this 6.4-acre site, while a private access easement as proposed would only eliminate 0.5-acre of developable land.

The public hearing was closed.

Commissioner Parks moved to deny Planning Exception PE07-02, accepting the findings of staff. The motion failed due to a lack of a second.

Commissioner Clark moved to approve Planning Exception PE07-02 to allow access from nearby public streets by means of only an access easement, as requested, based on the following findings:

- 1. that there are special circumstances on this property evidenced by the existing floodplain and a 40-foot wide overhead utility easement along F.M. 158 which already reduces the developable area at this location;**
- 2. that the exception is necessary for the preservation and enjoyment of the property because it is otherwise hard to develop with modern commercial development;**
- 3. that the granting of the exception will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area since the entire 25-foot wide access easement could be dedicated as a fire lane; and**
- 4. that the granting of the exception will not have the effect of preventing the orderly subdivision of adjoining land in the vicinity in accordance with the provisions of this Ordinance since there will be plenty of oversight during the planning stages that will assure things are done orderly.**

Commissioner Maxwell seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

Commissioner Clark stated that this was a difficult property to develop not only because of driveway separation standards.

Commissioner Maxwell stated that it appears the developer recognizes the issues with this property and is proposing a workable solution.

Commissioner Beckendorf stated that he believes that the property owners will make sure the access easement is maintained.

Chairperson Hughes moved to amend the original motion to allow access from nearby public streets by means of only an access easement, subject to compliance with all the following

conditions:

- 1. That any such easement shall have a least 30 feet of pavement width.**
- 2. That any such easement shall be designated as a fire lane for its entire length and width**
- 3. That any such easement shall be improved with a paved surface before any final plats may be filed for the subject property.**
- 4. That a property owner's association shall be established with direct responsibility to, and controlled by, the property owners involved to provide for operation, repair and maintenance of any such easement.**

Commissioner Bond seconded the motion.

Chairperson Hughes stated that he believes that a 25-foot access easement is simply not wide enough for this development where access is limited.

Commissioner Beckendorf thanked Mr. Chapman for considering development in Bryan.

Commissioner Clark stated that he would encourage the developer to improve the access easement with asphalt or concrete, which, in his opinion will pay off in the long run.

The motion to amend the original motion to passed with a unanimous vote.

Chairperson Hughes asked if there was any more discussion on the Commission on the amended motion.

Commissioner Parks stated that he feels the amended motion is a good compromise. However, even with the conditions he still has public safety concerns because of traffic generation by this type of development.

The amended motion to approve the request, subject to certain conditions, passed with a vote of six (6) in favor and two (2) in opposition. Commissioners Davila and Parks cast the votes in opposition.

10. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-28

M. Zimmermann

A request to change the zoning classification from Retail District (C-2) to Office District (C-1) for the south 2.571 acres out of a 6.4-acre tract in the J.W. Scott Survey, A-49 located at the southeast corner of Boonville Road (F.M. 158) and Copperfield Drive in Bryan, Brazos County, Texas.

Mr. Martin Zimmermann, Senior Planner, presented a staff report (on file in the Development Services Department). Mr. Zimmermann stated that the applicants are requesting to change the zoning on these 2.5 to Office District (C-1). The property's southern boundary adjoins a residential zoning district and fully-developed residential subdivision (Tiffany Park Subdivision – Phase 2). Staff believes that rezoning these 2.5 acres to C-1 District will provide a useful transition between residential uses (in the Tiffany Park Subdivision) and (existing and future) higher intensity retail/commercial land uses at the intersection of Copperfield Drive and Boonville Road. Staff contends that the proposed arrangement of land uses near this intersection will be consistent with Bryan's Comprehensive Plan which suggests that office buildings may successfully be integrated at transitional locations between intensive commercial activity and residential land uses.

Responding to questions from the Commission, Mr. Zimmermann explained that the front of the property along F.M. 158 will remain zoned Retail District and that there will be a 6-foot high privacy fence required between the residential and the nonresidential properties.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Maxwell moved to recommend approval of Rezoning RZ07-28, as requested, accepting the findings of staff. Commissioner Beckendorf seconded the motion.

Chairperson Hughes asked if there were any discussion of the Commission.

There was none.

The motion passed with a unanimous vote.

11. COMMISSION CONCERNS

There were none.

12. ADJOURN

Without objection, Chairperson Hughes adjourned the regular meeting at 7:45 p.m.

These minutes were reviewed and approved by the City of Bryan Planning and Zoning Commission on this the **16th** day of **August, 2007**.

Art Hughes, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Lindsey Guindi, Planning Manager and
Secretary to the Planning and Zoning
Commission